

Comments on Patentability of Claim 1

In the Final Office action, P.4 , section 6, the Examiner rejects Claim 1 as being unpatentable over Wiedemer in view of Haas et al (issued on Feb 17, 1998, filing date Aug 1, 1994).

The Examiner also states that, in the Final Office action, P.2, section 3, "it is the claims that are to distinguish from the prior art and not that the prior art operates differently".

The Examiners rejection is respectfully traversed, for the following reasons :

As readable on column 5, lines 47-54, Haas et al. merely teach a deterrent as causing by a software, a rightful user's credit card number to be displayed, to discourage a rightful user from sharing the software which being for decrypting a commercial software product, to other people. This deterrent although may be useful, it has a drawback that the rightful user have to make sure no other people is around before he can use the software.

The present invention as claimed by claim 1 is directed to a method for protecting software from unauthorised use. As readable thereon, it requires existence of an identity software as a pre-condition for permitting use of said software desired to be protected on a processing means ; wherein **said identity software being for enabling electronic money transfer operation(s)** for which a rightful user of said software desired to be protected has to be responsible . Although not indicated in claim 1, it is obvious that the identity software is stored in a computer devise and is not in a human visible form and not accessible to any one else except under the permission of the rightful user.

Although it is well known to those in the art to make use of credit card number to make internet transactions or the like, it is **respectfully submitted that "the credit card number to be displayed" and "credit card number to make internet transactions" exist in a computer in 2 technical distinguishable forms**. The reason is, the former is in human readable form and the latter is in a form agreeable with a common communication protocol for communicate to/"understandable by" an existing remote transaction system .

It is respectfully submitted that, it is an essential feature in Haas et al.'s

teaching that a rightful user's credit card number has to be displayed, and it is therefore not obvious to one with ordinary skill in the art to modify it by not having the credit card number to be displayed, and further to make use of the electronic transaction capability of the credit card number to enable a processing apparatus such as computer to make electronic transactions, for protecting software against unauthorised use, but without causing an electronic transaction take place, so as to amount to the present invention as defined by claim 1.

Further, Wiedemer merely disclose a identity means which being a billing module, "that leads to a billing charge, but does not disclose the step of not causing an operation for which an authorized user is responsible for", as the Examiner admitted in his office action. It is respectfully submitted that, it is impossible for one with ordinary skill in the art to modify Wiedemer's billing module which most important purpose is to charge a user for usage of software, to not charge the user. And, it would also not be obvious to one with ordinary skill in the art to apply Haas et al. to Wiedemer as the existence of billing operation is already providing a better discouraging effect-it requires actual payment.

Accordingly, 103(e) rejection of claim 1 basing on Haas et al. and Wiedemer should be withdrawn and is respectfully requested.

Comments On Patentability of Claim 12

In the Final Office action, P.4, section 6, the Examiner rejects Claim 12 as being unpatentable over Wiedemer in view of Haas et al (issued on Feb 17, 1998, filing date Aug 1, 1994).

The Examiner also states that, in the Final Office action, P.2, section 3, claim 12 recites "verifying said account, by an electronic transaction system", this is shown in Haas et al. at column 3 lines 55-60.

The present invention as claimed by claim 12 is directed to a method for verifying identity of a user of a data processing apparatus, comprising the steps of :

receiving, by the data processing apparatus, information specific to a user and necessary for accessing an account of said user ;

verifying the account being valid, by an electronic transaction system, by use of the information received by the data processing apparatus;

using by said data processing apparatus, the account validity being verified as a pre-condition for providing user access to at least a part of the functionality of the data processing apparatus ;

wherein the method is being performed without charging said account and that at least a part of functionality being not related to the validity status of the account.

It is respectfully submitted that, it is an innovative feature of the present invention as defined by independent claim 12 that , in order to verify identity of a user of a processing apparatus, validity of a user account should be checked, without causing payment be made for access to a processing apparatus, before providing user the access.

Throughout Haas et al and Wiedemer, whole document, there is no disclosure or suggestion that "validity of a user account should be checked, without causing payment be made for providing the user access to a processing apparatus", as required by claim 12. In Haas et al. at column 3 lines 55-60, "the user i transmits ...his credit card number (for billing purposes)", it is clear that the credit number which is for billing purposes cannot meet this requirement of claim 12

Accordingly, 103(e) rejection of claim 12 basing on Haas et al. and Wiedemer should be withdrawn and is respectfully requested.